# U.S. District Court [LIVE] Western District of Texas (Austin) CIVIL DOCKET FOR CASE #: 1:12-cv-00324-LY

The State of Texas et al v. Penguin Group (USA) Inc. et al

Assigned to: Judge Lee Yeakel

Case in other court: US/DC, SD/NY, 11-md-02293 (DLC)

Cause: 15:1 Antitrust Litigation

**Plaintiff** 

The State of Texas

Date Filed: 04/11/2012 Date Terminated: 04/26/2012

Jury Demand: Plaintiff

Nature of Suit: 410 Anti-Trust Jurisdiction: Federal Question

represented by David M. Ashton

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**Plaintiff** 

The State of Connecticut

represented by Gary M. Becker

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# **Plaintiff**

The State of Alaska

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#### **Plaintiff**

The State of Arizona

# represented by Nancy M. Bonnell

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#### **Plaintiff**

The State of Colorado

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## **Plaintiff**

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# represented by Chadwick O. Brooker

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## **Plaintiff**

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#### **Plaintiff**

# The State of Maryland

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## **Plaintiff**

The State of Missouri

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## **Plaintiff**

The State of Ohio

# represented by **Doreen C. Johnson**

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# **Plaintiff**

The Commonwealth of Pennsylvania

# represented by James A. Donahue

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#### Jennifer J. Kirk

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## **Plaintiff**

The Commonwealth of Puerto Rico

## represented by Jose M. Tous Cardona

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# **Plaintiff**

The State of South Dakota

# represented by Jeffrey P. Hallem

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## **Plaintiff**

The State of Tennessee

## represented by Victor J. Domen, Jr.

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ATTORNEY TO BE NOTICED

# **Plaintiff**

The State of Vermont

## represented by Ryan Kriger

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# **Plaintiff**

The State of West Virginia

## represented by Douglas L. Davis

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V.

**Defendant** 

Penguin Group (USA) Inc.

**Defendant** 

Macmillian Holdings, LLC *TERMINATED: 04/18/2012* 

**Defendant** 

Simon &Schuster, Inc.

**Defendant** 

Simon & Schuster Digital Sales, Inc.

**Defendant** 

Apple Inc.

**Defendant** 

Holtzbrinck Publishers, LLC

also known as Macmillian

Date Filed	#	Docket Text
04/11/2012	<u>Ï 1</u>	COMPLAINT for Injunctive Relief, Civil Penalties and as Parens Patriae on behalf of Consumers (Filing fee \$ 350 receipt number 100013497), filed by The State of Vermont, The State of Tennessee, The State of Missouri, The Commonwealth of Pennsylvania, The State of Iowa, The State of Texas, The State of Colorado, The Commonwealth of Puerto Rico, The State of Illinois, The State of Alaska, The State of Connecticut, The State of Ohio, The State of West Virginia, The State of Arizona, The State of Maryland, The State of South Dakota. (Attachments: #1 /List of Attorneys/Receipt)(klw, ) (Additional attachment(s) added on 4/12/2012: #2 SEALED Unredacted Version of Complaint) (klw, ). (Entered: 04/11/2012)
04/11/2012	<u>Ï 2</u>	Motion for leave to File Unredacted Complainted Under Seal (Attachments: # <u>1</u> Unredacted Complaint, # <u>2</u> Proposed Order) (klw, ) (Entered: 04/11/2012)
04/11/2012	<u>Ï 3</u>	MOTION to Appear Pro Hac Vice by Gabriel R. Gervey by on behalf of The State of Texas. <b>Fee Waived.</b> (Attachments: #1 Proposed Order)(klw, ) (Entered: 04/11/2012)
04/12/2012	<u>Ï 4</u>	ORDER GRANTING 3 Motion for Gabriel Ross Gervey to Appear Pro Hac Vice on behalf of The State of Texas. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/12/2012)

04/12/2012	<u>Ï 5</u>	ORDER GRANTING <u>2</u> Motion for Leave to File Unredacted version of <u>1</u> Complaint under SEAL. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/12/2012)
04/13/2012	<u>Ï 6</u>	Letters to all plaintiff counsel (except for Texas) re: non-admitted status. (klw, ) (Entered: 04/13/2012)
04/18/2012	ΪZ	AMENDED COMPLAINT against Apple Inc., Penguin Group (USA) Inc., Simon &Schuster Digital Sales, Inc., Simon &Schuster, Inc., Holtzbrinck Publishers, LLC amending 1 Complaint, filed by The State of Vermont, The State of Tennessee, The State of Missouri, The Commonwealth of Pennsylvania, The State of Iowa, The State of Texas, The State of Colorado, The Commonwealth of Puerto Rico, The State of Illinois, The State of Alaska, The State of Connecticut, The State of Ohio, The State of West Virginia, The State of Arizona, The State of Maryland, The State of South Dakota.(klw, ) (Additional attachment(s) added on 4/23/2012: #2 SEALED Unredacted Complaint) (klw, ). (Entered: 04/19/2012)
04/18/2012	<u>Ï</u> <u>8</u>	Motion for leave to File Unredacted Amended Complaint under SEAL. (Attachments: #1 Unredacted Amended Complaint, #2 Proposed Order) (klw, ) (Entered: 04/19/2012)
04/20/2012	<u>Ï 9</u>	ORDER GRANTING 8 Motion for Leave to File Unredacted First Amended Complaint under SEAL. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/23/2012)
04/23/2012	<u>I 10</u>	MOTION to Appear Pro Hac Vice by Nancy M. Bonnell by on behalf of The State of Arizona. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 11</u>	MOTION to Appear Pro Hac Vice by Clyde E. Sniffen, Jr by on behalf of The State of Alaska. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 12</u>	MOTION to Appear Pro Hac Vice by Susan V. Myers by on behalf of The State of Arizona. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 13</u>	MOTION to Appear Pro Hac Vice by Devin M. Laiho by on behalf of The State of Colorado. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 14</u>	MOTION to Appear Pro Hac Vice by Layne M. Lindebak by on behalf of The State of Iowa. (klw, ) (Entered: 04/24/2012)
04/23/2012	Ï <u>15</u>	MOTION to Appear Pro Hac Vice by Chadwick O. Brooker by on behalf of The State of Illinois. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>Ï 16</u>	MOTION to Appear Pro Hac Vice by Ellen S. Cooper by on behalf of The State of Maryland. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 17</u>	MOTION to Appear Pro Hac Vice by Brianna Lennon by on behalf of The State of Missouri. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>I 18</u>	MOTION to Appear Pro Hac Vice by Jessica I. Oldham by on behalf of The State of Ohio. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>Ï 19</u>	MOTION to Appear Pro Hac Vice by Doreen C. Johnson by on behalf of The State of Ohio. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>Ï 20</u>	MOTION to Appear Pro Hac Vice by Mitchell L. Gentile by on behalf of The State of Ohio. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>Ï 21</u>	MOTION to Appear Pro Hac Vice by Edward J. Olszewski by on behalf of The State of Ohio. (klw, ) (Entered: 04/24/2012)
04/23/2012	Ï <u>22</u>	MOTION to Appear Pro Hac Vice by Jennifer J. Kirk by on behalf of The Commonwealth of Pennsylvania. (klw, ) (Entered: 04/24/2012)

04/23/2012	<u>i 23</u>	MOTION to Appear Pro Hac Vice by James A. Donahue by on behalf of The Commonwealth of Pennsylvania. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 24</u>	MOTION to Appear Pro Hac Vice by Jose G. Diaz–Tejera by on behalf of The Commonwealth of Puerto Rico. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 25</u>	MOTION to Appear Pro Hac Vice by Jose M. Tous Cardona by on behalf of The Commonwealth of Puerto Rico. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 26</u>	MOTION to Appear Pro Hac Vice by Jeffrey P. Hallem by on behalf of The State of South Dakota. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 27</u>	MOTION to Appear Pro Hac Vice by Victor J. Domen, Jr by on behalf of The State of Tennessee. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 28</u>	MOTION to Appear Pro Hac Vice by Ryan Kriger by on behalf of The State of Vermont. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 29</u>	MOTION to Appear Pro Hac Vice by Gary M. Becker by on behalf of The State of Connecticut. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>ii 30</u>	MOTION to Appear Pro Hac Vice by Michael E. Cole by on behalf of The State of Connecticut. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 31</u>	MOTION to Appear Pro Hac Vice by Schonette Walker by on behalf of The State of Maryland. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i 32</u>	MOTION to Appear Pro Hac Vice by John R. Tennis by on behalf of The State of Maryland. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>Ï 33</u>	MOTION to Appear Pro Hac Vice by Anne E. Schneider by on behalf of The State of Missouri. (klw, ) (Entered: 04/24/2012)
04/23/2012	<u>i</u> <u>34</u>	MOTION to Appear Pro Hac Vice by Douglas L. Davis by on behalf of The State of West Virginia. (klw, ) (Entered: 04/24/2012)
04/24/2012	<u>i 35</u>	MOTION to Appear Pro Hac Vice by Robert W. Pratt by on behalf of The State of Illinois. (klw, ) (Entered: 04/24/2012)
04/24/2012	<u>i 36</u>	MOTION to Appear Pro Hac Vice by W. Joseph Nielsen by on behalf of The State of Connecticut. (klw, ) (Entered: 04/24/2012)
04/26/2012	<u>Ï</u> <u>37</u>	ORDER GRANTING <u>21</u> Motion for Edward J. Olszweskito Appear Pro Hac Vice on behalf of the State of Ohio. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>I</u> 38	ORDER GRANTING 19 Motion for Doreen C. Johnson to Appear Pro Hac Vice on behalf of the State of Ohio. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï</u> <u>39</u>	ORDER GRANTING 18 Motion for Jessica I. Oldham to Appear Pro Hac Vice on behalf of The State of Ohio. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u> 140</u>	

		ORDER GRANTING_17 Motion for Brianna L. Lennon to Appear Pro Hac Vice on behalf of The State of Missouri. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>l 41</u>	ORDER GRANTING_16 Motion for Ellen S. Cooper to Appear Pro Hac Vice on behalf of the State of Maryland. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>ii 42</u>	ORDER GRANTING 15 Motion for Chadwick O. Booker to Appear Pro Hac Vice on behalf of the State of Illinois. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 43</u>	ORDER GRANTING 14 Motion for Layne M. Lindebak to Appear Pro Hac Vice on behalf of the State of Iowa. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 44</u>	ORDER GRANTING 13 Motion for Devin Laiboto Appear Pro Hac Vice on behalf of the State of Colorado. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>l</u> 45	ORDER GRANTING_11 Motion for Clyde E. Sniffen, Jr. to Appear Pro Hac Vice on behalf of The State of Alaska. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>ll 46</u>	ORDER GRANTING <u>34</u> Motion for Douglas L. Davis to Appear Pro Hac Vice on behalf of the State of West Virginia. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>l</u> 47	ORDER GRANTING_12 Motion for Susan V. Myers to Appear Pro Hac Vice on behalf of The State of Arizona. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>i</u> 48	ORDER GRANTING 10 Motion for Nancy M. Bonnell to Appear Pro Hac Vice on behalf of The State of Arizona. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>l</u> 49	ORDER GRANTING <u>35</u> Motion for Robert W. Pratt to Appear Pro Hac Vice on behalf of The State of Illinois. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)

04/26/2012	<u>I</u> <u>50</u>	ORDER GRANTING <u>36</u> Motion for W. Joseph Nielsen to Appear Pro Hac Vice on behalf of the State of Connecticut. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>İ 51</u>	ORDER GRANTING 22 Motion for Jennifer J. Kirk to Appear Pro Hac Vice on behalf of the Commonwealth of Pennsylvania. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ì 52</u>	ORDER GRANTING <u>23</u> Motion for James A. Donahue, III to Appear Pro Hac Vice on behalf of the Commonwealth of Pennsylvania. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ì 53</u>	ORDER GRANTING <u>24</u> Motion for Jose G. Diaz–Tejera to Appear Pro Hac Vice on behalf of the Commmonwealth of Puerto Rico. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï</u> <u>54</u>	ORDER GRANTING <u>25</u> Motion for Jose M. Tous Cardona to Appear Pro Hac Vice on behalf of the Commonwealth of Puerto Rico. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>i 55</u>	ORDER GRANTING <u>26</u> Motion for Jeffrey P. Hallem to Appear Pro Hac Vice on behalf of the State of South Dakota. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 56</u>	ORDER GRANTING <u>27</u> Motion for Victor J. Domen, Jr. to Appear Pro Hac Vice on behalf of The State of Tennessee. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ì 57</u>	ORDER GRANTING <u>28</u> Motion for Ryan G. Kriger to Appear Pro Hac Vice on behalf of the State of Vermont. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>I 58</u>	ORDER GRANTING 29 Motion Gary M. Becker to Appear Pro Hac Vice on behalf of the State of Connecticut. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 59</u>	ORDER GRANTING 30 Motion for Michael E. Cole to Appear Pro Hac Vice on behalf of the State of Connecticut. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered:

		04/26/2012)
04/26/2012	<u>Ï</u> <u>60</u>	ORDER GRANTING 31 Motion for Schonette Walker to Appear Pro Hac Vice on behalf of the State of Maryland. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 61</u>	ORDER GRANTING 32 Motion for John R. Tennis to Appear Pro Hac Vice on behalf of the State of Maryland. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 62</u>	ORDER GRANTING 33 Motion for Anne E. Schneider to Appear Pro Hac Vice on behalf of the State of Missouri. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 63</u>	ORDER GRANTING <u>20</u> Motion for Mitchelle L. Gentile to Appear Pro Hac Vice on behalf of the State of Ohio. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Lee Yeakel. (klw, ) (Entered: 04/26/2012)
04/26/2012	<u>Ï 64</u>	CONDITIONAL TRANSFER ORDER (CTO-3) – transferring case to the Southern District of New York, MDL No. 2293. Signed by Clerk of the Panel. (kkc, ) (Entered: 04/30/2012)